

**REMARKS**

Claims 1-3, 5-15, 17-19, 21-40 are presented for prosecution. Claims 1, 2, 5, 13, 14, 17, 18, 22, 28, and 39 are currently amended. Claims 4, 16, and 20 are cancelled.

Claim 39 is amended to correct a typographical error.

All claims were rejected in view of U.S. Pat. No. 5,131,077 to Indei and admitted prior art. Specifically in reference to claims 1, 13, 17, and 22, the Office Action asserts that Indei shows "a receiver for receiving command data from a host device through an interface device", and cites a file r/w control section (item 31) of Indei's Fig. 1 in support of this assertion. That is, the Office Action states,

"One can see from the arrows that it can send and receive information from a host. Fig. 1 is an embodiment of Indei's backup control device for a printer (column 3, lines 27-37)"

Thus in this statement, the Office Action identifies the host device as being a separate computing device in communication with Indei's printer through a network, and identifies Indei's "printer control device 5a" (col. 2, lines 50-51, and col. 3, lines 35-37) as the interface device.

The Office Action then identifies Indei's floppy disk as the claimed "data protection unit for making a back-up, nonvolatile, copy of protected date updated by said data update unit". Specifically, the Office Action states,

"In the third embodiment of Indei's invention, one would understand that a floppy disk is used when one is storing data into a floppy disk drive (Fig. 8, item 56). Column 6, lines 34-36 disclose that the data is backed up. Although the above limitations mentions items from the first embodiment, in Fig. 1, one can clearly see third embodiment also has file renewing and holding sections".

Then, in reference to claims 2, 14, 18, and 23, the Office Action states that Indei also shows that "said data protection unit includes a backup unit for copying protected data content of said primary data memory unit to a rewritable, nonvolatile reserve data memory unit in response to at least one predetermined data-backup triggering event." Specifically, the Office Action identifies item 51

(Fig. 8) "R/W Control Section for External Mem. Unit" as the backup unit, and the floppy disk drive as the reserve data memory unit.

However in reference to claims 4, 16, and 20, the Office Action also asserts that Indei shows "said reserve data memory unit is disposed in said interface device". Specifically, the Office Action states that,

"One can see from Fig. 8, that the floppy disk drive (item 56) interfaces with the printer backup section. The reserve data memory unit would be the floppy disk that is used to store data in."

Applicants respectfully point out that claim 4 recites that the reserve data memory unit is disposed "in said interface device", which interfaces the recited printing apparatus to the recited host device. In accordance with the Office Action's claim construction, the "interface device" is identified as Indei's printer controller device 5a, which links Indei's printer 5b to a host device on his network. However, the Office Action also identifies floppy disk drive 56 as being part of the printer (5b) itself, and not as part of the printer controller device 5a, contrary to the presently claimed invention.

Additionally, the Office Action identifies Indei's floppy disk drive (item 56) as an "interface", but does not explain what the floppy disk drive interfaces. Presumably, the floppy disk drive interfaces Indei's printer with human user that inserts a floppy disk. Further support that the Office Action identifies the floppy disk drive as the claimed interface is in its assertion that the floppy disk (which is inserted into the floppy disk drive) supposedly constitutes the interface's reserve data memory unit. This construction is contrary to the Office Action's own assertion that Indei's printer controller device 5a (and not the disk drive within printer 5b) is the interface device.

Applicants further point out that Indei's floppy disk drive cannot constitute the presently claimed interface device because: (1) the floppy disk drive is part of the printer itself and is not an interface device separate from the printer, as is required in the presently claimed invention, and (2) the floppy disk drive does not operate as a device to interface the printer to a host device via a receiver on the printer, as is also required by the presently claimed invention.

Thus, the present invention is not taught or suggested by the cited prior art.

Therefore, claim 4, and part of intervening claim 2, are presently incorporated into their base claim 1, which is now believed to be in condition for allowance. Claim 4 is subsequently cancelled.

Similarly, all of claim 16 (which is subsequently cancelled) and part of intervening claim 14 are incorporated into their base claim 13, which is likewise believed to be in condition for allowance.

Also, all of currently cancelled claim 20, and part of intervening claim 18 are incorporated into their base claim 17, which is now believed to be in condition for allowance.

Furthermore, claims 5, 22, and 28 are amended to more clearly recite the novel feature that backup data is copied to a nonvolatile reserve data memory unit in the interface device that interfaces the printing apparatus to the host device.

Applicants further point out that independent claims 11 and 30, as originally filed, already recite this novel feature of the present invention.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration of the present application.

Respectfully submitted,



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